IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.235/03

M/s. Shastri & Co. & Anr.

Versus

M/s. R.R. Traders, Gangapurcity

DATE OF ORDER :: 02/08/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Sukh Ram Jatav, for petitioners
Mr. Arun Sharma, P.P.

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Instant petition has been filed by accused-petitioner assailing the order dated 17th January, 2003 whereby learned trial Judge framed charge against him for offence u/s.138 of Negotiable Instrument Act.

Basic contention raised before learned trial Judge and so also before this court was that notice sent by the complainant was received by one Shri Shyam. In the absence of notice being served upon petitioner, the charge u/s.138 of Act could not have been framed against him. This fact is not disputed that the address, which was mentioned on the notice, was of the addressee and if notice has been sent on the address of addressee by registered post, has been considered to be sufficient service upon the drawer. His further contention is that part of the amount was paid by him. It can always be considered during

trial and can be one of his defence, but cannot be examined by this court in the instant petition.

Consequently, this court finds no force in the petition, the same stands dismissed.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.